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EXAMINER

TRINH, MICHAEL MANH

ART UNIT	PAPER NUMBER
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2822

DATE MAILED: 08/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/256,643

Applicant(s)

FORBES ET AL.

Examiner

Michael Trinh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 21,23,24,26,29-33 and 36-75 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21,23,24,26,29-32,36-46,48-61,63-66,68,69 and 71-74 is/are rejected.
- 7) ☒ Claim(s) 33,47,62,67,70 and 75 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 34.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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### DETAILED ACTION

\*\*\* This office action is in response to Applicant's response filed on May 05, 2003. Claims 21,23-24,26,29-33,36-75 are pending.

\*\*\* The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

#### *Claim Rejections - 35 USC § 102/103*

1. Claims 21, 23-24, 26, and 36-42 are rejected under 35 U.S.C. 102(e) as being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Ohba et al (5,734,181).

Ohba teaches a method for forming a transistor (Figs 2A-2C; col 6, line 4 through col 7) comprising: forming a source region and a drain region in a semiconductor substrate, a channel region being between the source and the drain region, wherein a channel region is formed between the source and drain regions; forming an insulating layer on the channel region; forming a layer of silicon carbide compound  $\text{Si}_{1-x}\text{C}_x$  for forming a gate on the gate insulating layer SiC layer on the insulating layer wherein x of 4/7 is at a value approximately between 0 and 1, since carbon ions implanted into the semiconductor substrate for forming source and drain region 8a,8b are also inherently implanted into the polysilicon gate 6 (col 6, lines 10-15), wherein the method comprising removing portions of the insulating layer to form gate insulating layer 4 and the layer of gate material by patterning and etching to form a gate 6 on the substrate (Figs 2A-2C; col 6, lines 4-5-15, wherein the selected value x of 4/7 inherently yield the claimed barrier energy and charge retention time.

Regarding other limitations including deposition techniques, for example, in claim 40, it would have been obvious to one of ordinary skill in the art to use any available and well known deposition techniques to deposit a silicon carbide compound on the gate insulating layer because these deposition techniques have been proven in the art to be able to effectively form a reliable and excellent layer. Forming an oxide by dry plasma oxidation, for example, in claim 42, would have been obvious and well known to skill artisan because of the desirability to obtain a high quality and low defect oxide. Implanting dopant of p-type or n-type into the gate would have been obvious and well known to one of ordinary skill in the art because of the desirability to control conductivity of the gate and to form n-channel device or p-channel device.

***Claim Rejections - 35 USC § 103***

2. Claims 21,23-24,26,29-32,36-46,48-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chamberlain (4,473,836) taken with Halvis et al (5,369,040).

*Chamberlain* teaches a method for forming a transistor (Figs 2,4; columns 3-6 comprising: forming diffused regions D1,D2 that respectively function as a source region and drain region in a semiconductor silicon substrate (col 3, lines 11-27), wherein a channel region being between the source and drain regions; forming an insulating layer 13 on the channel region; forming a layer of polysilicon material; and patterning and etching to remove portions of the insulating layer and the layer of polysilicon material 14 to form a gate on the substrate.

*Chamberlain* lacks to form the gate of silicon carbide compound.

However, *Halvis et al* teach (cols 1-2; specifically, col 1, lines 23-30,62-68; col 2, lines 18-30 and 6-15) that it is known to use polysilicon material for forming a gate, and teach (at col 4, lines 10-15; cols 3-4) to use silicon carbide compound  $Si_{1-x}C_x$ , wherein x is selected at a value approximately between 0 and 0.5, for forming a gate on the gate insulating layer.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the polysilicon gate of Chamberlain with the gate of silicon carbide compound  $Si_{1-x}C_x$ , wherein x is selected at a value approximately between 0 and 0.5 as taught by Halvis et al. This is because polysilicon and silicon carbide are art recognized alternative semiconductor materials for substitution in forming the gate, wherein polysilicon and silicon carbide are high electrical conductive materials that is good for forming the gate.

3. Claims 21,23-24,26,29-32,36-46,48-59,60-61,63-66,68-69,71-74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamazaki et al (5,449,941) taken with Halvis et al (5,369,040).

*Yamazaki et al* teaches a method for forming a MOS transistor for memory cell (Figs 1A-1D; 2A-2D; col 4, lines 12-15; lines 27-60; col 3, lines 66-68) comprising: forming a source region and drain region in a semiconductor silicon substrate 201 (Fig 2A; col 3, lines 35-68), wherein a channel region being between the source and drain regions 203,204; forming an insulating layer 206/207 on the channel region; forming a floating gate 208 by patterning and

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etching a layer of gate material; forming an intergate dielectric layer 209; and forming a control gate 210 over the floating gate 208.

*Yamazaki* lack to form the floating gate of silicon carbide compound.

However, *Halvis et al* teach (at col 4, lines 10-15; cols 3-4), rather using polysilicon gate, using silicon carbide compound  $\text{Si}_{1-x}\text{C}_x$ , wherein x is selected at a value approximately between 0 and 0.5. for forming a gate on the gate insulating layer.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the polysilicon gate of *Yamazaki* with the floating gate of silicon carbide compound  $\text{Si}_{1-x}\text{C}_x$ , wherein x is selected at a value approximately between 0 and 0.5 as taught by *Halvis et al*. This is because polysilicon and silicon carbide are art recognized alternative semiconductor materials for substitution in forming the gate as combinatively taught by *Yamazaki* and *Halvis et al*, wherein polysilicon and silicon carbide are high electrical conductive materials that is good for forming the gate.

Regarding other limitations including deposition techniques, for example, in claim 40, it would have been obvious to one of ordinary skill in the art to use any available and well known deposition techniques to deposit a silicon carbide compound on the gate insulating layer because these deposition techniques have been proven in the art to be able to effective form a reliable and excellent layer. Forming an oxide by dry plasma oxidation would have been obvious and well known to skill artisan because of the desirability to obtain a high quality and low defect oxide. Implanting dopant into the gate would have been obvious and well known to one of ordinary skill in the art because of the desirability to control conductivity of the gate.

The "person having ordinary skill" in this art has the capability of understanding the scientific and engineering principles applicable to the claimed invention. The evidence of record including the references and/or the admissions are considered to reasonably reflect this level of skill. The selection of x value would have been obvious, involve routine optimization which has been held to be within the level of ordinary skill in the art, and would be an unpatentable modification, where the general conditions of a claim are disclosed in the prior art, it is not inventive to discover the optimum or workable ranges by routine experimentation". *In Re Aller* 104 USPQ 233,255 (CCPA 1955); *In re Waite* 77 USPQ 586 (CCPA 1948) and *In Re Dreyfus* 24 USPQ 52 (CCPA 1934).

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4. Claims 21,23-24,26,29-32,36-46,48-59,60-61,63-66,68-69,71-74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Halvis et al (5,369,040) taken with Chamberlain (4,473,836) or Frye et al (4,118,795), and further of Tohyama (5,858,811).

*Halvis et al* teaches a method for forming a semiconductor device (Figs 4A-4C; cols 3-4) comprising: forming an insulating layer 32 on the channel region; forming a floating gate 38 by patterning and etching a layer of gate material 33 (figs 4A-4B; col 3, line 61 through col 4); forming an intergate dielectric layer 42 by oxidizing; and forming a control gate 50 over the floating gate 38 with the intergate dielectric layers 42 therebetween (Fig 4C).

*Halvis* lacks to show source and drain regions in the substrate (e.g. claim 21), and further lacks to remove portion of insulating layer during forming of gate 38 (e.g. claims 43,50,etc.).

However, Chamberlain teaches (at col 3, lines 20-27) a photodetector as of Halvis, wherein diffused regions functioned as source and drain regions are formed in the semiconductor substrate that separated by a channel region in the substrate. Frye et al also teach (at Figs 1a,2a,3a; cols 1-4; col 3, lines 1-10) to form a charge couple device (CCD) comprising gates formed on a gate insulating layer formed on a semiconductor substrate, wherein source and drain regions are formed in the substrate that are separated by a channel region in the substrate.

*Tohyama et al* teach (at Fig 1 to 4; col 1-3, cols 5-6) it is alternative either removing portions of the first insulating layer 4 (Fig 3C; col 2, lines 40-63) and the layer of gate material 6 to form a gate 8, or not removing a portion of the first insulating layer 4 (Figs 1C-1D); forming an interlayer dielectric layer; and forming a second gate 13, wherein the gate layer is doped with n-type or p-type impurities (col 6, lines 20-25).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to form diffused regions functioned as source and drain regions in the semiconductor substrate that separated by a channel region in the substrate is taught by Chamberlain and Frye et al, and to remove portions of the insulating layer and the layer of silicon carbide of Halvis in forming the gate as taught by Tohyama. This is because of the desirability to use source and drain regions for storing and transferring electrical charge. This is because of the desirability to control the desired thickness of the gate insulating layer, wherein thickness of each of the gate insulating layers are formed independently from each other.

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Regarding other limitations including deposition techniques, for example, in claim 44, it would have been obvious to one of ordinary skill in the art to use any available and well known deposition techniques to deposit a silicon carbide compound on the gate insulating layer because these deposition techniques have been proven in the art to be able to effectively form a reliable and excellent layer. Forming an oxide by dry plasma oxidation would have been obvious and well known to skill artisan because of the desirability to obtain a high quality and low defect oxide. Implanting n-type or p-type dopants into the gate would have been obvious and well known to one of ordinary skill in the art because of the desirability to control conductivity of the gate.

The "person having ordinary skill" in this art has the capability of understanding the scientific and engineering principles applicable to the claimed invention. The evidence of record including the references and/or the admissions are considered to reasonably reflect this level of skill. The selection of x value would have been obvious, involve routine optimization which has been held to be within the level of ordinary skill in the art, and would be an unpatentable modification, where the general conditions of a claim are disclosed in the prior art, it is not inventive to discover the optimum or workable ranges by routine experimentation". *In Re Aller* 104 USPQ 233,255 (CCPA 1955); *In re Waite* 77 USPQ 586 (CCPA 1948) and *In Re Dreyfus* 24 USPQ 52 (CCPA 1934).

### ***Allowable Subject Matter***

5. As already of record, claims 33,47,62,67,70,75 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Response to Arguments***

\*\*\* 35 USC 102 rejection:

\* Applicant's convincing remarks (at 5/5/03 remark page 16-17) about claim 43 that Ohba does not show forming a layer of silicon carbide compound  $\text{Si}_{1-x}\text{C}_x$  on the insulating and removing portions of the insulating layer and the layer of silicon carbide compound  $\text{Si}_{1-x}\text{C}_x$  to form a gate on the substrate....", since Ohba teaches implanting carbon ions in source and drain

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regions in the substrate 2 using the gate electrode 6 of polysilicon film as a mask. Accordingly, 35 USC 102 rejection of claims 43-46, 48-59, and 29-32 are withdrawn.

Re base claim 21, claimed subject matter, not the specification, is the measure of invention. Limitations in the specification cannot be read into the claims for the purpose of avoiding the prior art. In *Re Self*, 213 USPQ 1,5 (CCPA 1982); In *Re Priest*, 199 USPQ 11,15 (CCPA 1978).

\* Regarding the inherency: Applicant's unconvincing remarks that "...There is no evidence that carbon ions are also implanted in the polysilicon of the gate electrode 6...".

In response, this is noted and found unconvincing. As clearly shown in Figure 2B of Ohba, carbon ions are implanted into the exposed substrate of silicon to form source and drain regions 8a/8b, wherein the gate electrode 6 used as a mask is also being implanted with the carbon ions. Consequently, the burden shifted to Applicant to demonstrate and prove that this apparent inherence does not in fact exist. In *re King*, 801, F.2d 1324, 1327, 231 USPQ 136,138-139 (Fed. Cir. 1986).

\*\*\* 35 USC 103 rejections:

\* Applicant cited a "recent Federal Circuit opinion, In *re Sang Su Lee*, 61 USPQ2d 1430 (Fed. Cir. 2002), specifically requires that "the suggestion or motivation to combine references 'be based on objective evidence of record...". Applicant conclusively remarked that "...a prima facie case of obviousness has not been established...", and alleged that "The Office Action does not cite any evidence in the record of this suggestion to combine references...".

In response, this is noted and found unconvincing. As of record, the combined references clearly established a prima facie case of obviousness.

Halvis (5,369,040) expressly states (at col 2, lines 4-17) that "...this invention to described a photodetector...which has improved quantum efficiency...to provide a photodetector with improved response...", wherein "...improved performance with photodetectors...light...for improved sensitivity..." is expressly mentioned at column 1, lines 64-68. *Halvis* prima facie teaches (at col 4, lines 10-15; cols 3-4) to use silicon carbide compound  $Si_{1-x}C_x$ , wherein x is selected at a value approximately between 0 and 0.5 for forming a gate on the gate insulating layer, instead of using polysilicon gate (cols 1-2; specifically, col 1, lines 23-30, 62-68; col 2,



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lines 18-30 and 6-15), one of ordinary skill in the art would motivate and recognize the alternative use of aluminum, polysilicon or silicon carbide for forming a gate of Chamberlain.

Halvis expressly discloses the prior art problem of using polysilicon gate in forming the photodetector (column 1). Halvis then teaches using silicon carbide to form the gate instead of using the polysilicon gate. Herein the main reference of Chamberlain already teaches to use a polysilicon gate in forming the photodetector, and herein, the secondary reference of Halvis expressly teaches to replace the polysilicon gate with the polysilicon carbide gate. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the polysilicon gate of Chamberlain with the gate of silicon carbide compound  $\text{Si}_{1-x}\text{C}_x$ , wherein x is selected at a value approximately between 0 and 0.5 as taught by Halvis. This is because polysilicon and silicon carbide are art recognized alternative semiconductor materials for substitution in forming the gate, wherein polysilicon and silicon carbide are high electrical conductive materials that is good for forming the gate. By alternatively using polysilicon or silicon carbide as a gate material, together with a cover layer thereon, the principle of operation of the device of Chamberlain is still the same and would be satisfactory for its intended purpose of detecting incident light. As can be seen, Chamberlain teaches the substitution of alternative materials including aluminum or polysilicon even though polysilicon is a transparent material.

Accordingly, the suggestion or motivation to combined the references are clearly of record and based on objective evidence of record, and met the requirement of the case law *In re Sang Su Lee*, 61 USPQ2d 1430 (Fed. Cir. 2002).

The rejections are outstanding and maintained as of record. Applicant's apparent argument that the applicant has different reason for, or advantage resulting from doing what the prior art relied upon has suggested, it is noted that it is well settled that this is not demonstrative of non-obviousness, *In Re Kronig* 190 USPQ 425, 428 (CCPA 1976); *In Re Lintner* 173 USPQ 560 (CCPA 1972); the prior art motivation or advantage may be different than that of applicant while still supporting a conclusion of obviousness. *In Re Wiseman* 201 USPQ 658 (CCPA 1979); *Ex Parte Obiaya* 227 USPQ 58 (Bd. of App. 1985).

In further response to Applicant's argument that there is no suggestion to combine the references, the Examiner recognizes that references cannot be arbitrarily combined and that there must be some logical reason why skilled in the art would be motivated to make the proposed

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combination of references. In re Regel 188 USPQ 136 (CCPA 1975). However, there is no requirement that the motivation to make the combination be expressly articulated in one or more of the references; the teaching, suggestion or inference can be found not only in the references but also from knowledge generally available to one of ordinary skill in the art. Ashland Oil v. Delta Resins 227 USPQ 657 (CAFC 1985). The test for combining references is what the combination of disclosures taken as a whole would suggest to one of ordinary skill in the art. IN re McLaughlin 170 USPQ 209 (CCPA 1971); IN Re Rosselet 146 USPQ 183 (CCPA 196). References are evaluated by what they collectively suggest to one versed in the art, rather than by their specific disclosures. In Re Simon, 174 USPQ 114 (CCPA 1972); In Re Richman 165 USPQ 509, 514 (CCPA 1970).

Employing any available and well known deposition techniques to deposit a silicon carbide compound would have been obvious because these deposition techniques have been proven in the art to be able to effectively form a reliable and excellent layer, wherein these well known deposition techniques are art recognized alternative techniques for substitution in deposition of a silicon carbide compound, and wherein these well known alternative deposition techniques have been proven in the art to be able to form a reliable and excellent layer.

Accordingly, the suggestion or motivation to combine the references are clearly of record and based on objective evidence of record, and met the requirement of the case law In re Sang Su Lee, 61 USPQ2d 1430 (Fed. Cir. 2002).

6. Cited of interest is prior art made of record for showing well known deposition techniques for forming a silicon carbide compound. Suzuki (4,897,71) discloses (at col 1, lines 57-68) forming silicon carbide compound by low temperature chemical vapor deposition (CVD). Sichanugrist (5,366,713) discloses (at col 2, lines 39-45) forming silicon carbide compound by plasma CVD. Candelaria (5,441,901) discloses (at col 1, lines 58-68; col 8, lines 10-14) forming carbon doped silicon by CVD, molecular beam epitaxial deposition, and conventional epitaxial deposition. Present application, at bridging paragraph of specification pages 22-23, silicon carbide compound is deposited by well known deposition techniques. Carey (5,360,491) discloses (at Abstract; col 1, lines 22-50; col 2, lines 6-20) depositing silicon carbide by CVD deposition and DC magnetron co-sputtering followed by pulsed excimer laser irradiating.

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Liberkowsky discloses (at col 6, lines 1-15) depositing a silicon carbide layer by pulsed excimer laser ablation. Truher (5,425,860) discloses (at col 1, lines 56-65) depositing of silicon carbide by electron-beam heat evaporation, plasma enhanced CVD, rapid thermal CVD. Forbes (6,163,066) discloses (at col 7, line 65 through col 8, line 6) several known oxidation techniques including thermal oxidation and plasma oxidation.

\*\*\*\*\*

\*\*\* Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Trinh whose telephone number is (703) 308-2554. The examiner can normally be reached on M-F, 8:30 Am to 5:00 Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amir Zarabian can be reached on (703) 308-4905. The fax phone numbers for the organization where this application or proceeding is assigned are (703)-308-7722 for regular communications and (703)-308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Oacs



Michael Trinh  
Primary Examiner